

App. Serial No. 10/309,564
Docket No.: NL020287 US

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Remarks

Applicant respectfully traverses all of the rejections because the cited portions of Kohn (U.S. 6,747,421) do not correspond to a voltage controlled oscillator as in the claimed invention. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated August 24, 2006 indicated that claims 1-2 and 4-5 stand rejected under 35 U.S.C. § 102(e) over Kohn; and claim 3 is understood to be potentially allowable, if rewritten in independent form.

Applicant infers that claim 3 (not claims 71 and 72 as listed on page 3 of the Office Action) is potentially allowable, pursuant to the Office Action Summary's Disposition of Claims. Applicant appreciates the potential allowability of claim 3. However, Applicant submits that claim 1 is allowable for the reasons discussed below and claim 3 depends from claim 1. Therefore, Applicant requests that the objection to claim 3 be removed.

Applicant has made minor amendments to claims 1-4 for clarification purposes; these amendments are not being made to overcome any issues of patentability or to overcome the rejections raised by the Office Action. Applicant has also rewritten claim 5 to include the limitations of claim 1 and added new claims 6-8 that depend from claim 5 and correspond to claims 2-4 respectively.

Applicant traverses the Section 102(e) rejections of claims 1-2 and 4-5 because the Office Action fails to specify any portion of the Kohn reference as corresponding to a voltage controlled oscillator. Applicant submits that the cited portions of the Kohn reference do not teach a voltage controlled oscillator having an input with a control voltage which determines the operating frequency of the half-bridge as in the claimed invention. The Kohn reference is directed towards self oscillation circuits and teaches that "the switching elements 14, 16 are turned on and off by following the resonance frequency at the primary side of the winding type transformer 10 to cause the drive circuit 18 to be self oscillated." *See, e.g.*, col. 1, lines 6-8; col. 4, lines 7-10. The oscillation frequency of this self oscillation automatically follows the resonance frequency at the primary side of the transformer 10 (*see, e.g.*, col. 4, lines 10-12). Therefore, the Kohn reference does not teach a voltage controlled oscillator having an

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input voltage that determines the operating frequency of the half-bridge as in the claimed invention. Moreover, the cited portions of the Kohn reference do not teach that a feedback circuit is connected to the input of the voltage controlled oscillator as in the claimed invention.

Moreover, the cited portions of the Kohn reference fail to correspond to claimed limitations directed to a feedback circuit connected at a first end to the resonance circuit for adjusting the operating frequency of the half-bridge. The Office Action cites to "L" and resonance capacitor C1 of Fig. 1 of the Kohn reference as the feedback circuit of the claimed invention. However, the Kohn reference teaches that a drive circuit is connected to a transformer having a resonance circuit at its primary side (*see, e.g.*, col. 2, lines 6-8) and that resonance capacitor C1 is provided between both terminals of the primary side of winding type transformer 10 (*see, e.g.*, col. 3, lines 8-10). The resonance capacitor C1 drives L which is connected to the primary side of transformer 10 and drives the lamp 20 which is connected to the secondary of the transformer (*see, e.g.*, Fig. 2). Applicant fails to see how resonance capacitor C1 and L correspond to the feedback circuit of the claimed invention when the cited portions of the Kohn reference teach that L is part of a resonance circuit. Moreover, the Kohn reference does not teach that "L" or resonance capacitor C1 adjust the operating frequency of the half-bridge as does the feedback circuit of the claimed invention (*see, e.g.*, Fig. 1; col. 3, line 3 to col. 4, line 10).

In view of the above, the cited portions of the Kohn reference do not teach a voltage controlled oscillator or a feedback circuit as in the claimed invention. Without a presentation of correspondence to each of the claimed limitations, the Section 102(c) rejections cannot be maintained. Accordingly, the rejections of independent claim 1, as well as the rejections of claims 2 and 4-5 that depend from claim 1, are improper and Applicant requests that they be withdrawn. Notwithstanding the impropriety of the rejections of all of the dependent claims as related to the independent claims above, the limitations of certain dependent claims are addressed further below.

Regarding claim 4, the Office Action's assertion of inherency on page 3, lines 9-10 is improper. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior

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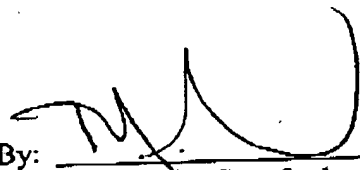
art" (*see, e.g.*, M.P.E.P. § 2112(IV)). The Office Action merely states "that the ballast circuit is inherently integrated on an IC" without providing any objective evidence or cogent technical reasoning to support the conclusion of inherency as required. Therefore, the Section 102(e) rejection of claim 4 is improper. Moreover, Applicant has amended claim 4 to depend from claim 3, which the Office Action indicated was potentially allowable, and claim 3 depends from claim 1, which Applicant submits is allowable for the reasons discussed above. Accordingly, Applicant requests that the Section 102(e) rejection of claim 4 be withdrawn.

Regarding claim 5, the Office Action cites to Figs. 1-11 of the Kohn reference which is in effect the equivalence of citing to the entire patent document. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. *See, e.g.*, 37 C.F.R. § 1.104(c)(2). The Office Action fails to cite to the Kohn reference with sufficient specificity as is required. Thus, the Section 102(e) rejection of claim 5 is improper and Applicant requests that it be withdrawn. Moreover, Applicant submits that claim 5 is allowable because the cited portions of the Kohn reference fail to correspond to all of the claimed limitations for at least the reasons discussed above relating to the Section 102(e) rejection of claim 1 in that claim 5 as amended includes all of the limitations of claim 1.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, at (408) 474-9063.

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